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GOVERNMENT GAZETTE

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GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/29/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendment in Goa Government, Department of Cooperation (Class II Gazetted Posts) Recruitment Rules, 1966 published in Gazette No. 27, Series I, dated 6-10-1966 in so far as the pay scale of the post of Marketing Officer.

In the schedule to the said Rules under column No. 4, against Serial No. iii for the pay scale Rs. 350-30-900 shown therein, substitute the pay scale Rs. 475-25-500-30-590-EB-30-800-EB-30-830-35-900.

G. K. Bhanot
Chief Secretary

Panaji, 21st July, 1967.

Notification

OSD/RRVS/20/66

In exercise of powers conferred by the proviso to Article 309 of the Constitution, read with Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated the 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following amendment in the Goa Government (Mamlatdars and Block Development Officers) Gazetted posts, Recruitment Rules, 1966 issued under Notification dated 5th December, 1966 published in the Government Gazette No. 40, Series I, dated the 5th January, 1967:

Against Serial Nos. 1 and 2 under column 4 of the Schedule appended to the said Notifica-

tion, for the scales of pay, Rs. 270-15-300-25-400-EB-25-550 and Rs. 325-15-475 substitute the common scale of pay, Rs. 300-15-450-EB-20-530.

G. K. Bhanot
Chief Secretary

Dated July, 1967.

Revenue Department

Notification

RD/TNC/RLS/112/66

The following amendment to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, which was pre-published vide Government Notification No. RD/TNC/RLS/112/66 dated 27th September, 1966, published in the Government Gazette No. 27, Series I, dated 6th October, 1966, is hereby finally published as under:

“In exercise of the powers conferred by Section 61 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby makes the following amendment to the Goa, Daman and Diu Agricultural Tenancy Rules, 1965, the same having been previously published.

1. This may be called the Goa, Daman and Diu Agricultural Tenancy (Third Amendment) Rules, 1966.

2. Rule 24 of the Goa, Daman and Diu Agricultural Tenancy (Amendment) Rules, 1966 shall be substituted by the following: —

“24. The Tribunal shall in any application, appeal or other proceeding filed before it have all the powers which are vested in a Civil Court under the Code of Civil Procedure 1908”.

By order and in the name of the Administrator of Goa, Daman and Diu.

W. G. Ranadive, Secretary (Revenue).

Panaji, 25th July, 1967.

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Law and Judiciary Department

Notification

LD/N/37/67

The following rules framed by the Judicial Commissioner's Court, Panaji under section 20 of the Goa, Daman and Diu Judicial Commissioner's Court Regulation, 1963 are hereby published for General Information.

M. S. Borkar, Under Secretary.

Panaji, 21st July, 1967.

Notification

In exercise of the powers conferred by Section 20 of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, the Court of Judicial Commissioner makes the following rules in regard to Election Petitions under the Representation of People Act, 1951.

RULES

1. In these rules unless the context otherwise requires:

- (a) «the Act» shall mean the Representation of People Act, 1951.
- (b) «the Code» shall mean the Code of Civil Procedure, 1908.
- (c) «the High Court» shall mean the Judicial Commissioner's Court constituted by the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963.
- (d) «the Judge» shall mean the Judicial Commissioner or the Additional Judicial Commissioner.
- (e) «Official Gazette» shall mean the Goa, Daman and Diu Government Gazette.
- (f) «Union Territory» means the Union Territory of Goa, Daman and Diu.

2. All Proceedings in the Judicial Commissioner's Court in respect of election petition shall be conducted in English.

3. All applications, written statements, notes and other documents and papers including translations and copies thereof shall be either printed or type-written neatly and legibly with sufficient space between the lines on strong and durable foolscap size paper according to metric measure, with a margin of not less than 5 cms.

4. Election petitions arising from the area of any constituency in the Union Territory shall be presented either in person or by an Advocate duly authorised in that behalf by the party concerned to the Registrar of the Judicial Commissioner's Court, Panaji, Goa.

5. The Election Petition, along with other necessary copies, may be presented at any time during the Court hours. Immediately after it is presented the Registrar shall endorse thereon the date of presentation and shall enter it in a special register maintained for the registration of the election petitions.

6. After the presentation of the election petition, the party or his advocate shall be asked to attend the office of the Registrar on the third day from

the date of the presentation to remove objections, if any. An undertaking in writing will be obtained from the party or the advocate to remain present in the office of the Registrar on the date appointed. The petitioner shall furnish his address at Panaji where any communication may be addressed to or served on him.

7. The office shall examine the petition with a view to see whether it is in conformity with the requirements of law and the rules applicable to the same, and if it is not in conformity with the law or the rules, raise objections which could be removed by the party or the advocate concerned. These objections should be brought to the notice of the party or the advocate on the date fixed for attendance under rule 6 and such objections shall be removed, subject to the orders of the judge, if any, within seven days, if further time is not given.

8. Immediately after the time fixed for the removal of objections, the petition shall be placed before the judge for such orders as may be required to be passed under section 86 of the Act. If the petition is not dismissed under section 86(1) of the Act, a summons, on the direction of the Judge, shall be issued to the respondent to appear before the High Court on a fixed date for answering the claim or claims made in the petition. Such date shall not be earlier than three weeks from the date of the issue of the summons. The summons shall be for written-statement and settlement of issues and shall be served on the Respondent, through the Civil Judge within whose jurisdiction the Respondent resides. The Civil Judge will make his best endeavour to serve the summons on the Respondent and make a return of the service of the summons with the greatest expedition.

9. In addition to the service of summons to be effected as aforesaid, a summons shall also be sent to the respondent at the address given by the petitioner by registered post prepaid for acknowledgement. The petitioner shall furnish extra copies of the petition to be served along with the summons by registered post. No extra process fees except postal charges will be recovered.

10. Those of the respondents who file written-statements or recriminatory statements as provided under section 97(2) of the Act shall also furnish copies of such written-statements and recriminatory statements for the use of the Petitioner and the other respondents, as the case may be. Where a recriminatory statement under section 97(2) alleges any corrupt practice, the statement shall be accompanied by an affidavit in support of the allegation of such corrupt practice and the particulars thereof.

11. After the pleadings in the election petition are received, a date shall be fixed, at the direction of the Judge, for (1) discovery of documents, (2) inspection of the documents disclosed, and (3) the production of documents which are in the possession and power of the parties.

12. Issues will then be settled and the election petition will be posted for hearing. Within seven days of the settlement of issues, parties shall file a list of witnesses and pay the process fees and the travelling allowance, the diet allowance and the local conveyance allowance for those of them who are required to be summoned.

13. Parties shall apply for the issue of witness- summonses sufficiently in time for the attendance of witnesses after service. Parties may also produce witnesses without a summons on the date of the hearing, provided they have filed a list of the same as required under Rule 12.

14. The process fees to be paid by the party applying shall be as follows:—

For each individual to be served with process, the process fee shall be Rs. 3/- besides travelling charges which shall be one and half times the actual charges to be incurred for the purpose of travelling by the process server. The Registrar shall decide the actual charges to be deposited by the party concerned.

15. A party applying for a summons to a witness shall be required to deposit at the time of applying for summons a sum sufficient to cover the travelling allowance, the diet allowance and the local conveyance allowance of the witness according to the scale given under Rule 16. Payment shall be made to the witness out of amounts so deposited after the witness has given evidence or he is discharged by the Judge.

16. Travelling allowance for the journey from the place of residence to the place where evidence is required to be given and back to the place of residence, diet allowance, and local conveyance allowance shall be paid to the witnesses according to the scale indicated below subject to the conditions indicated in the notes thereunder:—

| Class of witness. | Travelling Allowance. | Diet Allowance. | Local Conveyance Allowance. |
|-------------------|-----------------------|-----------------|-----------------------------|
| (1) | (2) | (3) | (4) |

Class I

| | | | |
|---|-----------------------------------|-------------------|--|
| Professional men of high position, Members of Parliament and of the States Legislatures, large land owners and owners of big business organisations, and Class I Government Officials who are required to attend in their private capacity. | First Class Rail or Steamer Fare. | Rs. 20/- per day. | Actual taxi or horse carriage fare each way from the place where he is putting up to the place where he is required to give evidence, if he is putting up within a radius of five miles from the place where he is required to give evidence, beyond five miles, first class local rail fare each way. |
|---|-----------------------------------|-------------------|--|

Class II

| | | | |
|--|---------------------------------|-------------------|--------|
| Members of Local Bodies ordinary professional and business men, land owner, other than small farmers; officer employees in business organisations, Corporations and local bodies and Class II Government Officials who are required to attend the Court in their private capacity. | 2nd Class Rail or Steamer Fare. | Rs. 12/- per day. | — do — |
|--|---------------------------------|-------------------|--------|

Class III

| | | | |
|---|---------------------------------|------------------|---|
| Artisans, Clerks, land owners, village Officers, and employees in lower grades of Corporation, local bodies and business organisations and Class III Government Servants who are required to attend the Courts in their private capacity. | 2nd Class Rail or Steamer Fare. | Rs. 8/- per day. | Actual bus or third class local rail fare each way. |
|---|---------------------------------|------------------|---|

Class IV

| | | | |
|---|---------------------------------|------------------|---|
| Labourers, petty shop keepers, pedlars and persons other than those in the above classes and class IV Government servants who are required to attend the Court in their private capacity. | 3rd Class Rail or Steamer Fare. | Rs. 4/- per day. | Actual bus or third class local rail fare each way. |
|---|---------------------------------|------------------|---|

Note 1. — If there is rail as well as steamer communication between both the places for the whole of the distance, the cheaper of the two modes of travel will be admissible for travelling allowance.

Note 2. — If there is rail communication only for the part of the distance and steamer communication for the rest, travel by rail and steamer for the parts for which they are respectively available shall be admissible for travelling allowance.

Note 3. — If in addition to travelling by rail and/or steamer a witness is required to travel by bus also, the actual bus fare paid for such part of the journey shall also be admissible for travelling allowance.

Note 4. — Diet allowance shall be payable, irrespective of the distance travelled, for the actual time required for the journey each way, and also for the time of detention necessary for the purpose of giving evidence. A part of the day shall be counted as equal to a day.

Note 5. — Local conveyance allowance shall be admissible for each day that the witness is required to attend the court only at Bombay and Nagpur, and shall be payable only if the party calling the witness does not provide conveyance to the witness.

Note 6. — The Registrar of the Court of Judicial Commissioner shall decide to which class a witness belongs or which of the alternative modes of travelling should be allowed in a particular case. A witness dissatisfied by his decision may request that a reference be made to the Judge and upon such request the question shall be referred to the Judge. The Judge thereupon shall give such direction as he thinks just and proper in the case.

Note 7. — In the case of Experts and professional persons and in cases in which the Judge

thinks special rates should be awarded, the Judge may award higher rates of diet allowance than provided for in this scale.

Note 8.—In cases not fully or clearly covered by this scale or in cases where the Judge thinks special considerations should prevail the Judge shall award such amounts for travelling allowance, diet allowance, and local conveyance allowance as he deems proper.

17. As soon as an order is passed by the Court under sub-section (2) of section 109, or under Clause (b) of sub-section (3) of section 110, or under sub-section (2) of section 112, or under section 116 directing any matter to be published in the Official Gazette, or otherwise than in the Official Gazette, the office shall get the same published at the cost of such of the parties as the Judge may direct in that behalf. The matter directed to be published in the Official Gazette shall be published in the Official Gazette, or the Gazette of India, as the case may be.

18. As soon as an election petition is dismissed by the Judicial Commissioner's Court under sub-section (1) of section 86, or the same has been finally disposed of on merits as provided for under sections 98 and 99, or the Judicial Commissioner's Court passes an order under sub-section (1) of section 116-B, the office shall intimate the order or the decision of the Judicial Commissioner's Court (i) to the Election Commission and (ii) the Speaker or the Chairman, as the case may be, of the houses of Parliament or of the State Legislature concerned; and thereafter, as soon as possible, it shall also forward to the Election Commission an authenticated copy of the judgement and the formal order of the Court. The office shall also report to the Election Commission when an election petition is allowed to be withdrawn under section 111 after orders are passed in that behalf by the Judicial Commissioner's Court. Where an election petition abates and no attempt has been made for substituting another person for continuing the said petition as provided under section 116, and the Court passes a final order treating the petition as abated, the office shall also report to the Election Commission.

19. A diary or index of proceedings showing the course of the election petition from the beginning to the end in chronological order shall be maintained in each election petition, as far as possible, in the form of Rozanama.

Application in the Petition

20. All applications in each Election Petition shall be separately recorded in a register maintained for the purpose. The record in respect of each election petition shall have the following columns:—

Register of Applications

Election Petition No.

| Serial No. of application in the Election Petition. | Date of Presentation | Nature of application | Date & Substance of final order |
|---|----------------------|-----------------------|---------------------------------|
| (1) | (2) | (3) | (4) |

When an application is filed, the same shall be placed before the Judge as part of the election petition for passing necessary orders.

21. Applications made to the court in a pending election petition shall be styled as "Application in the Election Petition No.".

Advocates

22. (a) An advocate intending to act for a party shall file a Vakalatnama signed by that party.

(b) Advocates filing their Vakalatnamas in petitions shall give their correct addresses. All notices, processes, etc. shall be served on the advocate unless the Judge otherwise directs. Such service will be regarded as proper service on the party.

23. A party will be entitled to advocate's fees at the rate of Rs. 150/- per day, if represented by more than one advocate, and at the rate of Rs. 75/- if represented by one advocate, subject, however, to the discretion of the Judge to allow a higher or lower rate of fees.

Costs

24. The security for costs shall be paid in cash. The amount shall be deposited with the Registrar during the hours in which the cash-business of the office is conducted. Where, pending the trial of the election petition, costs are directed to be paid or deposited by a party who has not deposited any amount as security for costs, the amount of such costs shall be similarly deposited with the Registrar. Receipts shall be issued to the party depositing the amount.

Miscellaneous

25. No document in any language other than English shall be admitted in evidence unless it is accompanied by an English translation which shall either be the official translation or a translation the accuracy of which is certified by an Advocate. Costs of the translations shall be at the discretion of the Court.

26. Where no specific provision exists in these rules on any point, the provisions of the Code shall apply mutatis mutandis and in case of any dispute the order of the Judge in this respect shall be final.

By Order

G. S. Marathe, Registrar.